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20 *Counsel for Defendants*

21 UNITED STATES DISTRICT COURT
22 FOR THE NORTHERN DISTRICT OF CALIFORNIA
23 OAKLAND DIVISION

24 STATE OF CALIFORNIA, *et al.*,

25 Plaintiffs,

26 v.

27 RYAN ZINKE, in his capacity as Secretary of the
28 Interior, *et al.*,

Defendants.

No. 4:18-cv-05712-YGR
(Consolidated With Case No. 4:18-cv-05984-
YGR)

**DEFENDANTS' MOTION FOR A STAY OF
CASE MANAGEMENT CONFERENCE
IN LIGHT OF LAPSE OF
APPROPRIATIONS**

**MOTION FOR A STAY OF CASE MANAGEMENT CONFERENCE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the January 7, 2019, Case Management Conference in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal defendants. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the January 7, 2019, Case Management Conference until Congress has restored appropriations to the Department.¹

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department.

5. Opposing counsel and Intervenor have no objection to this motion. Citizens Group plaintiffs respectfully request that, should the Court decide to hold a case management conference, the Court schedule the case management conference at its earliest convenience after the government reopens.

¹ As stated in their Joint Case Management Statement, ECF No. 77, the parties do not believe that a case management conference is necessary should the Court adopt the schedule proposed in paragraph 17 of the Joint Case Management Statement.

1 Therefore, although we greatly regret any disruption caused to the Court and the other litigants,
2 the Government hereby moves for a stay of the January 7, 2019, Case Management Conference in this
3 case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.
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5 Respectfully submitted this 2nd day of January, 2019.
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